**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**FIRST APPEAL No. 1166 of 1994**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE KS JHAVERI**

==========

**NAZIRBIBI BALDARKHA SHAIKH - Appellant(s)**
**Versus**
**VINAYAKA MADHUSUDAN BHATT & 2 - Defendant(s)**

==========

**Appearance :**
MR HARESH J TRIVEDI for Appellant(s) : 1,
NOTICE SERVED for Defendant(s) : 1,
MR NILESH A PANDYA for Defendant(s) : 2,
MS LILU K BHAYA for Defendant(s) : 3,

==========

**CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**

**Date : 04/08/2006**

**ORAL JUDGMENT**

1. By way of this appeal, the appellant has challenged the judgement and award dated 07.05.93 passed by the Motor Accident Claims Tribunal (A) Baroda in MACP No. 768 of 1987 whereby Tribunal dismissed the claim petition of the appellant.

2. The appellant had filed claim petition seeking compensation in respect of the accident which occurred on 02.04.87 when a scooter bearing no. GTN 3483 driven by opponent no.1 hit the appellant. The appellant sustained injuries and therefore filed claim petition. The Tribunal after hearing the parties passed the aforesaid

award.

3. Learned counsel for the appellant has contended that the Tribunal has seriously erred in coming to the conclusion that the opponent no.1 cannot be held liable for gross negligence of driving the vehicle even in the presence of proper evidence.

4. Heard learned counsel for the parties. I have gone through the award of the Tribunal and the material placed on record. The Tribunal has gone through the evidence in detail and has come to the conclusion that the opponent no.1 cannot be considered negligent in driving the vehicle. As a result of perusal of records, the Tribunal has not believed the documents produced on record and has concluded that the entire episode raised by the appellant seems to be concocted. I am in complete agreement with the reasonings adopted and findings arrived at by the Tribunal and no interference is therefore called for in the matter.

5. In the premises aforesaid, appeal is dismissed. No order as to costs.

(K.S. JHAVERI, J.)

Divya//